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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,425	06/24/2003	Jerry Ditter	PALL.107C1	3308
20995 7590 04/16/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
			EXAMINER CHEVALIER, ALICIA ANN	
			ART UNIT 1783	PAPER NUMBER
			NOTIFICATION DATE 04/16/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/603,425

Applicant(s)

DITTER ET AL.

Examiner

ALICIA CHEVALIER

Art Unit

1783

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7, 13-16, 18, 21, 22, 25-27, 29, 30 and 35-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 7, 13-16, 18, 21, 22, 25-27, 29, 30, 35-38 and 42-44 is/are allowed.
- 6) ☒ Claim(s) 39-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

RESPONSE TO AMENDMENT

1. In view of the Appeal Brief filed on January 14, 2010, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/David R. Sample/
Supervisory Patent Examiner, Art Unit 1783

2. Claims 1, 7, 13-16, 18, 21, 22, 25-27, 29, 30 and 35-44 are pending in the application, claims 2-6, 8-12, 17, 19, 20, 23, 24, 28 and 31-34 have been cancelled.

WITHDRAWN REJECTIONS

3. The 35 U.S.C. §103 rejection made of record in the office action mailed June 2, 2009, pages 3-7, paragraphs #6-#8 has been withdrawn due to Applicant's arguments in the Appeal Brief filed January 14, 2010.

NEW REJECTIONS

4. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Rejections - 35 USC § 103

5. Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deutsch (U.S. Patent No. 4,280,909) in view of Zhang et al. (U.S. Patent No. 5,236,588).

Regarding Applicant's claim 39, Deutsch discloses a filter laminate (*col. 6, line 25*) comprising a plurality of discrete layers of material (*col. 4, lines 9-11 and figure 1*), wherein each layer is adjacent at least one other layer (*figure 1*). The plurality of discrete layers comprise a first and second membrane, wherein each membrane is an asymmetric membrane having a skin surface and an open surface (*figure 1 and col. 4, lines 1-3*), wherein pores of the open surface have an average diameter at least about 5 times greater than an average diameter of pores of the skin surface (*col. 5, line 65 through col. 6, line 5*), and wherein the asymmetric region is deemed to comprise flow channels that gradually increase in diameter from said skin surface to said open surface (*figure 1*); and a bond between the skin surface of the first membrane and the open surface of the second membrane (*col. 4, lines 9-11 and figure 1*).

Deutsch fails to disclose wherein an average pore size of the pores of the open surface of the first membrane is larger than an average pore size of the pores of the open surface of the second membrane.

Zhang discloses a filter laminate (*col. 4, line 23*) comprising a of layer of material with two zones (*figure 4*), wherein each zone is adjacent at least one other zone. The zones comprise a first and second membrane, wherein each membrane is an asymmetric membrane having a skin surface and an open surface (*figure 4*), wherein pores of the open surface have an average diameter at least about 5 or 10 times greater than an average diameter of pores of the skin surface (*col. 2, lines 65-68*), and wherein the asymmetric region is deemed to comprise flow channels that gradually increase in diameter from said skin surface to said open surface (*figure 4*); and a bond between the open surface of the first membrane and the open surface of the second membrane (*figure 4I*).

Therefore it would have been obvious to one of ordinary skill in the art to have the open surface have an average diameter at least about 5 or 10 times greater than an average diameter of pores of the skin surface as taught by Zhang in Duetsch in order not to have a molecular weight cut-off ability (*Zhang, col. 2, line 68 through col. 3, line 2*).

Allowable Subject Matter

6. Claims 1, 7, 13-16, 18, 21, 22, 25-27, 29, 30, 35-38 and 42-44 are allowed.

ANSWERS TO APPLICANT'S ARGUMENTS

7. Applicant's arguments in the Appeal Brief filed January 14, 2010 regarding the previous rejections of record have been considered but are moot since the rejections have been withdrawn.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Thursday from 11:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alicia Chevalier/
Primary Examiner, Art Unit 1783
4/15/2010